



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,193	09/25/2003	Gary E. Wheat	13DV14196-4	7238
31838	7590	05/17/2005		
HASSE GUTTAG & NESBITT LLC 7550 CENTRAL PARK BLVD. MASON, OH 45040				
			EXAMINER TUROCY, DAVID P	
			ART UNIT	PAPER NUMBER
			1762	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,193

Applicant(s)

WHEAT ET AL.

Examiner

David Turocy

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 16-32 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The applicant's amendments, filed March 24, 2005, have been fully considered and reviewed by the examiner. The examiner acknowledges the amendments to claims 16 and 30-32. In light of the amendment to claims 30-32, correction of a typographical error, the 35 USC 112 2nd Paragraph rejection has been withdrawn. Claims 1 and 16-32 are pending. Claim 1 has been withdrawn from consideration due to a restriction requirement.

Election/Restrictions

2. Applicant's election with traverse of Claims 16-32 in the reply filed on March 24, 2005 is acknowledged. The traversal is on the ground(s) that each group is directed to the same invention that does not require a burdensome search. This is not found persuasive because the apparatus as claimed can be used in a process wherein a material other than inert carrier gas is introduced and therefore requires additional search and considerations not required by the method.

The requirement is still deemed proper and is therefore made FINAL.

Response to Arguments

3. Applicant's arguments filed March 24, 2005 have been fully considered but they are not persuasive.

The applicant has argued against Pillhoefer et al., stating the reference teaches introducing a gaseous mixture through gas inlet pipes 9 and 10, which cannot reasonably be considered "inert". While the examiner agrees that Pillhoefer et al. teaches of introducing a gaseous mixture through the gas inlet pipes, Pillhoefer also teaches of supplying an inert carrier gas through inlet pipes 9 and 10 for the purposes of flushing the chamber and the cavities, where the inert carrier gas flow through the screens 4 into the chamber, which reads on the claim as written (Column 5, line 57-Column 6, lines 10).

The applicant has argued against Pillhoefer et al, stating they do not teach the claimed path the carrier gas takes when introduced. The applicant argues the rejection is based on information personally known to the Examiner, and not those ordinary in the art. The examiner respectfully disagrees. The rejection, states that due to the angle of the screens (4A) in Figure 2 the carrier gas generally takes a generally curved centripetal path. This assertion is not based on personal information known only to the Examiner, but rather as evidenced by the figures. The plurality of inert carrier gas streams enter the chamber through the screens (4a), which direct the streams, due to their angular arrangement, toward the center of the chamber, or in other words direct the streams on a centripetal path. In addition, the angle of the screen (4a), relative to the inlet pipes (10A,B), directs the inert carrier gas streams on a curved generally centripetal path.

Art Unit: 1762

The applicant has argued against Pillhoefer et al., stating that they do not teach the gas flow rates for introducing the inert carrier gas and one of ordinary skill in the art would not result to routine experimentation in order to optimize. The applicant argues the rejection is based on information personally known to the Examiner and not those ordinary in the art. The examiner respectfully disagrees. The rejection is not based on personal information known only to the Examiner, but rather what Pillhoefer et al would reasonably suggest to one of ordinary skill in the art. While Pillhoefer et al fails to teach any gas flow rates, in particular those as claimed, the inert gas flow does inherently has a flow rate and one of ordinary skill in the art would reasonable expect the flow rate to affect the flushing ability of the inert gas. Therefore it would have been obvious to one of ordinary skill in the art to optimize the gas flow rate, including ones within the claimed ranges, through routine experimentation, absent evidence showing criticality for using the claimed flow rates as discussed in the previous office action, dated 2/11/2005.

The applicant has argued against Walter, stating the reference teaches supplying the gas through a single gas stream at the bottom of the container and not a plurality of gas streams at the top of the container. However, Walter is utilized here as a showing that a propellant, either hydrogen or argon, is known in the art to run through the metal source and deposit metallic coatings on articles. Walter is also utilized to shown known activators in the art. While Walter utilizes the propellant and activator in a different manner, Walter suggests that a propellant of hydrogen or argon and an ammonium chloride activator are known in the art to deposit metallic coatings on articles within a

Art Unit: 1762

container and therefore one of ordinary skill in the art would reasonably expect such propellants and/or activators to be suitable in the process of Pillhoefer et al. and for the reasons set forth in the office action dated 2/11/2005.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Pillhoefer et al. (5,455,071).

The claims are rejected for the reasons discussed in the prior Office action, dated 2/11/2005, as well as for the reasons discussed above in section 3.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

Art Unit: 1762

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pillhoefer et al.

The claims are rejected for the reasons discussed in the prior Office action, dated 2/11/2005, as well as for the reasons discussed above in section 3.

9. Claims 21-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pillhoefer et al. in view of Walter (6,203,851).

The claims are rejected for the reasons discussed in the prior Office action, dated 2/11/2005, as well as for the reasons discussed above in section 3.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 1762

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Turocy whose telephone number is (571) 272-2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

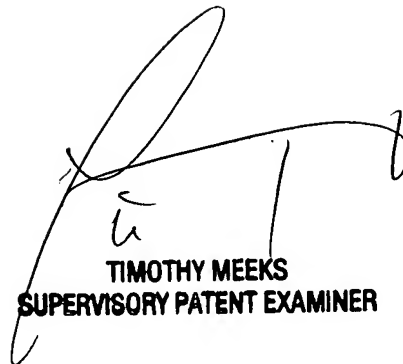
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/671,193
Art Unit: 1762

Page 8

David Turocy
AU 1762



TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER